

IN RE: PETITION FOR RESIDENTIAL	* BEFORE THE
ZONING VARIANCE	
N/S Foxhill Road, 535 ft. E of	* ZONING COMMISSIONER
c/l Meetinghouse Road	
9908 Foxhill Road	* OF BALTIMORE COUNTY
11th Election District	
5th Councilmanic District	* Case No. 95-177-A
Charles W. Calhoun, et ux	
Petitioners	*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Charles W. Calhoun and Frances V. Calhoun, his wife, for that property known as 9908 Foxhill Road 2139 Corbett Road in the Perry Hall Manor subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 11 ft., in lieu of the required setback of 15 ft., for an addition, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

ORDER RECEIVED FOR FILING  
 12/9/90  
 M. J. H.

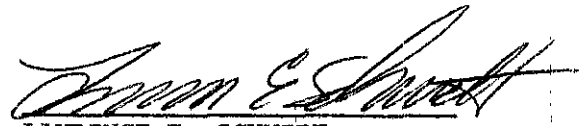
MICROFILMED

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9<sup>th</sup> day of December, 1994 that the Petition for a Zoning Variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 11 ft., in lieu of the required setback of 15 ft., for an addition, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

December 8, 1994

Mr. and Mrs. Charles W. Calhoun  
9908 Foxhill Rd.  
Perry Hall, Maryland 21128

RE: Petition for Administrative Variance  
Case No. 95-177-A  
Property: 9908 Foxhill Rd.

Dear Mr. and Mrs. Calhoun:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
encl.



# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

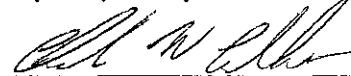
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9908 Foxhill Rd.  
address  
Perry Hall, Md. 21128  
City State Zip Code


That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

To provide for elderly family members in residence and  
wishing to provide one level, private, and handicap living  
area, addition to the present home need to be addressed. In  
order to maintain a parallel house line for an addition, we may  
have to extend beyond the current side setback.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

  
(signature)  
Charles W. Calhoun  
(type or print name)



  
(signature)  
Frances V. Calhoun  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

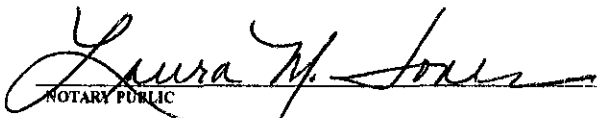
I HEREBY CERTIFY, this 9th day of November, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

CHARLES W. CALHOUN & FRANCES V. CALHOUN

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

11/7/94  
date

  
NOTARY PUBLIC

My Commission Expires:

WILLIAM JONES  
NOTARY PUBLIC STATE OF MARYLAND  
My Comm. Expires March 25, 1997

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# Petition for Administrative Variance

95-177-A

## to the Zoning Commissioner of Baltimore County

for the property located at 9908 Foxhill Rd.  
which is presently zoned residential

This Petition shall be filed with the Office of Zoning Administration & Development Management.

DR-2

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) **1B02.3.B (Sec. 205.3; R-20, 1956)**

**to allow a side yard setback of 11 feet (for an addition) in lieu of the required setback of 15 feet.**

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To provide for elderly family members in residence and wishing to provide one level, private, and handicap living area, addition to the present home need to be addressed.

In order to maintain a parallel house line for an addition, we may have to extend beyond the current side setback.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

Charles W. Calhoun

(Type or Print Name)

Signature

Signature

Address

Frances V. Calhoun

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

9908 Foxhill Rd.

(Type or Print Name)

Address

Phone No

Perry Hall, Md. 21128

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Signature

Charles or Fran Calhoun

Name

9908 Foxhill Rd 529-5959

Address

Phone No

Address

Phone No

City

State

Zipcode

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY

DATE

11-7-94

ESTIMATED POSTING DATE

11-20-94



Printed with Soybean Ink  
on Recycled Paper

ITEM #:

172

95-177-A

ZONING DESCRIPTION FOR 9908 Foxhill Rd.

Beginning at a point on the north side of Foxhill Rd. which is 100 feet wide at the distance of 535 feet east of the centerline of the nearest improved intersecting street Meetinghouse Rd. which is 20 feet 5 inches wide. Being lot # 62, section # C in the subdivisions of Perry Hall Manor as recorded in Baltimore County Plat Book # 24, Folio # 020, containing 20,000 square feet also known as 9908 Foxhill Rd. and located in the eleventh (11) Election District, Fifth Councilmanic District.

# 172

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**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-177-17

District 11th Date of Posting 11/20/94

Posted for: Variance

Petitioner: Charles & Frances Calkoun

Location of property: 9908 Foxhill Rd, N/S

Location of Signs: Facing roadway on property being zoned

Remarks: \_\_\_\_\_

Posted by W. Stealy Date of return: 11/28/94

Signature

Number of Signs: 1

MICROFILMED





Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

95-177-A

Account: R-001-6150

Number #172

Date 11-7-94

CALHOUN -- 9908 Fox Hill Rd.

Taken by JRF

010.. Variance --- \$50.00

080 -- Sign - - - \$35.00

---

\$85.00

MICROFILMED

03A03#02B0MICHRG

\$85.00

BA 0010:48AM11-07-94

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 172

Petitioner: Mr & Mrs Charles Calhoun

Location: 9908 Foxhill Rd. Perry Hall MD  
21128

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Charles Calhoun

ADDRESS: 9908 Foxhill Rd  
Perry Hall MD 21128

PHONE NUMBER: 529 5959

AJ:ggs

(Revised 04/09/93)



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

November 17, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Charles W. Calhoun and Frances V. Calhoun  
9908 Foxhill Road  
Perry Hall, Maryland 21128

Re: CASE NUMBER: 95-177-A (Item 172)  
9908 Foxhill Road  
N/S Foxhill Road, 535' E of c/l Meetinghouse Road  
11th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before November 21, 1994. The closing date (December 5, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

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Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DEC 7 1994

Mr. & Mrs. Charles W. Calhoun  
9908 Foxhill Road  
Perry Hall, Maryland 21128

RE: Item Number: 172  
Case Number: 95-177-A  
Petitioner: Charles & Frances Calhoun

Dear Mr. & Mrs. Calhoun:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Zoning Administration and Development Management (ZADM), Development Control, on November 7, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce N. Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jnw  
Enclosure(s)

RECORDED



**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

11-19-94

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109

Re: Baltimore County

Item No.: ~~X~~ 172 (JRF)

111 W. Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: MS. JOYCE WATSON

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Nov. 28, 1994  
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for November 28, 1994  
Items 172, 175, and 176

The Developers Engineering Section has reviewed  
the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: November 18, 1994

SUBJECT: Below listed cases

In reference to the following cases, staff offers no comment:

Item Nos. 161, 166, (172), 173, 175, 176, 177

If there should be any questions, please contact Jeffrey Long at 887-3480.

Prepared by:

*Jeffrey M. Long*

Division Chief:

*Carol L. Keller*

PK/JL

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/17/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
NAT 510P-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV.21, 1994

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS 172, 174, 175, 176 AND 177.

RECEIVED

NOV 21 1994

ZADM

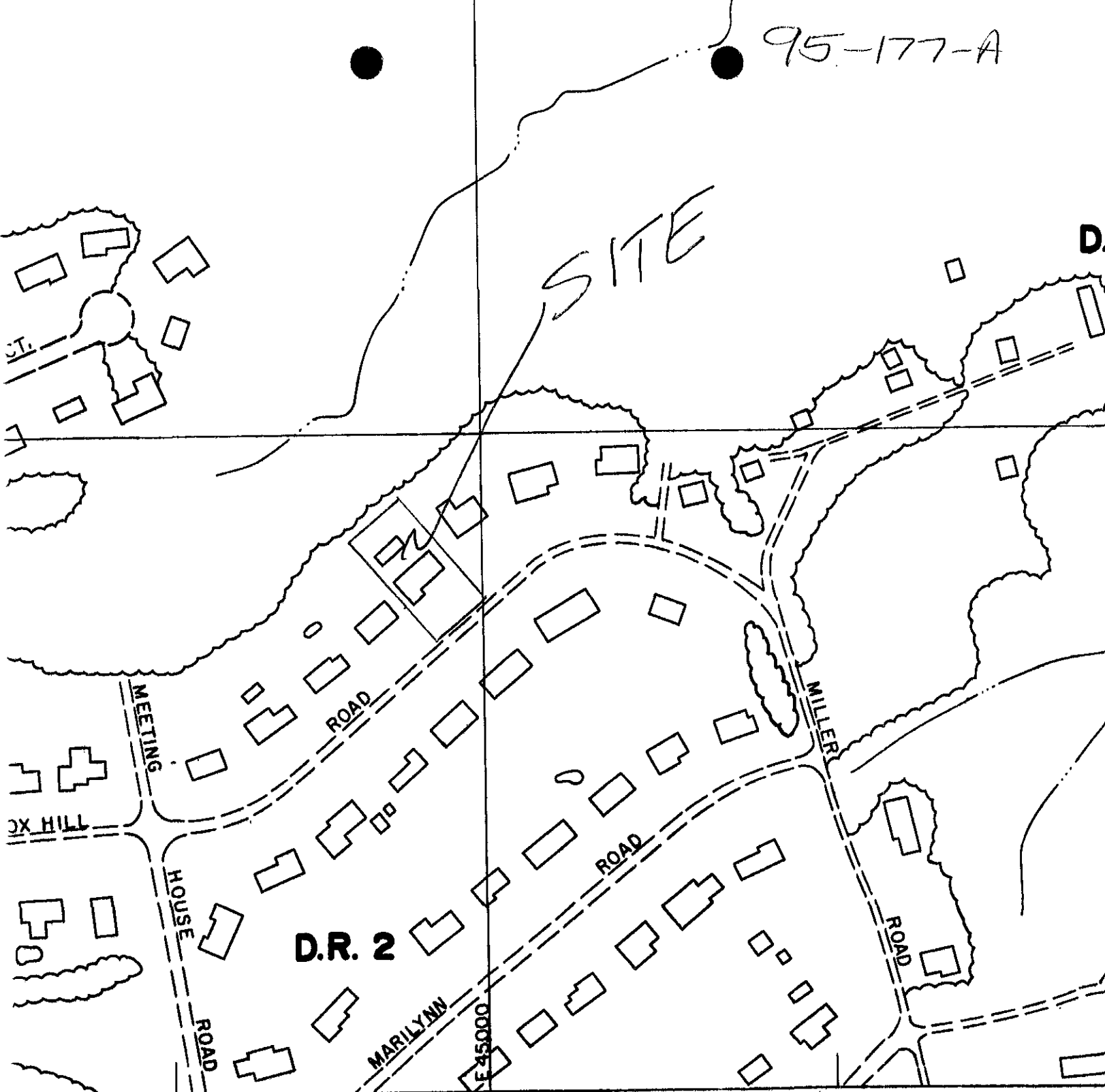
REVIEWER: LT. ROBERT P. SODERWALD  
Fire Marshal Office, PHONE 267-4881, MS-1102F

NOV 21 1994

cc: File



95-177-A



(SHEET N.E. 12 H)

NE 13H 1"=200'

# BALTIMORE COUNTY #172 OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP



## Special Hearing

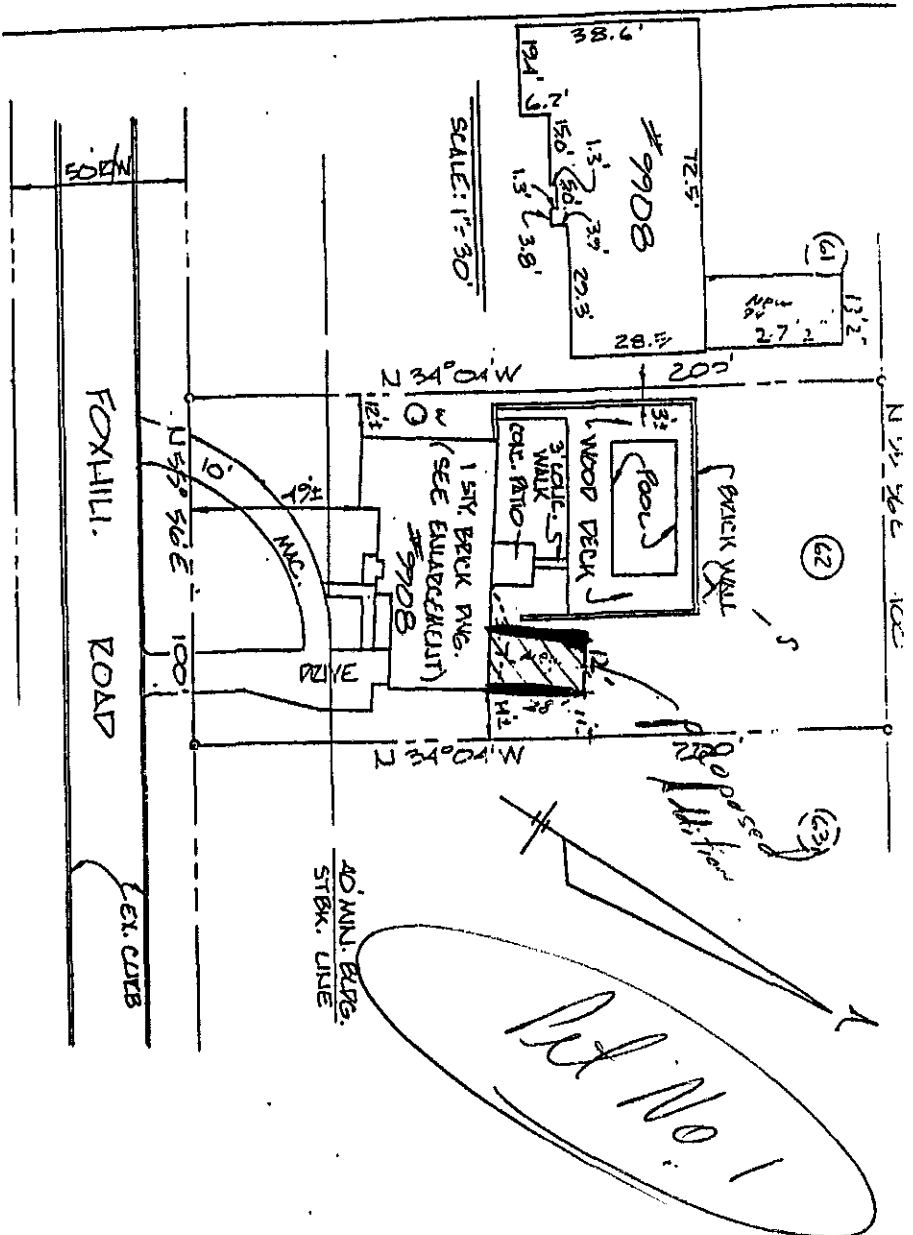
Jack built bed

Conny Wolf Mader

folio # 220, lot # 62, section # 2

Mr. J. J. Jones

95-177-A



## LOCATION INFORMATION

**Election District:** 14

**Councilmanic District:**

1"=200' scale map#: *NE 1317*

Zoning: D-2

Lot size: 1/2 acre

<u>acreage</u>	<u>square feet</u>
1	43,560
2	87,120
3	130,680
4	174,240
5	217,800
6	261,360
7	304,920
8	348,480
9	392,040
10	435,600
11	479,160
12	522,720
13	566,280
14	609,840
15	653,400
16	696,960
17	740,520
18	784,080
19	827,640
20	871,200
21	914,760
22	958,320
23	1,001,880
24	1,045,440
25	1,089,000
26	1,132,560
27	1,176,120
28	1,219,680
29	1,263,240
30	1,306,800
31	1,350,360
32	1,393,920
33	1,437,480
34	1,481,040
35	1,524,600
36	1,568,160
37	1,611,720
38	1,655,280
39	1,698,840
40	1,742,400
41	1,785,960
42	1,829,520
43	1,873,080
44	1,916,640
45	1,960,200
46	2,003,760
47	2,047,320
48	2,090,880
49	2,134,440
50	2,178,000
51	2,221,560
52	2,265,120
53	2,308,680
54	2,352,240
55	2,395,800
56	2,439,360
57	2,482,920
58	2,526,480
59	2,570,040
60	2,613,600
61	2,657,160
62	2,700,720
63	2,744,280
64	2,787,840
65	2,831,400
66	2,874,960
67	2,918,520
68	2,962,080
69	3,005,640
70	3,049,200
71	3,092,760
72	3,136,320
73	3,179,880
74	3,223,440
75	3,267,000
76	3,310,560
77	3,354,120
78	3,397,680
79	3,441,240
80	3,484,800
81	3,528,360
82	3,571,920
83	3,615,480
84	3,659,040
85	3,702,600
86	3,746,160
87	3,789,720
88	3,833,280
89	3,876,840
90	3,920,400
91	3,963,960
92	4,007,520
93	4,051,080
94	4,094,640
95	4,138,200
96	4,181,760
97	4,225,320
98	4,268,880
99	4,312,440
100	4,356,000

**pubblic per la**

**SEWER:**

**WATER:**

**Case Area:**

### Prior Zoning Hearings

20

**Zoning Office USE ONLY!**

reviewed by:	ITEM #:	CASE#:

ITEM #2

CASE#

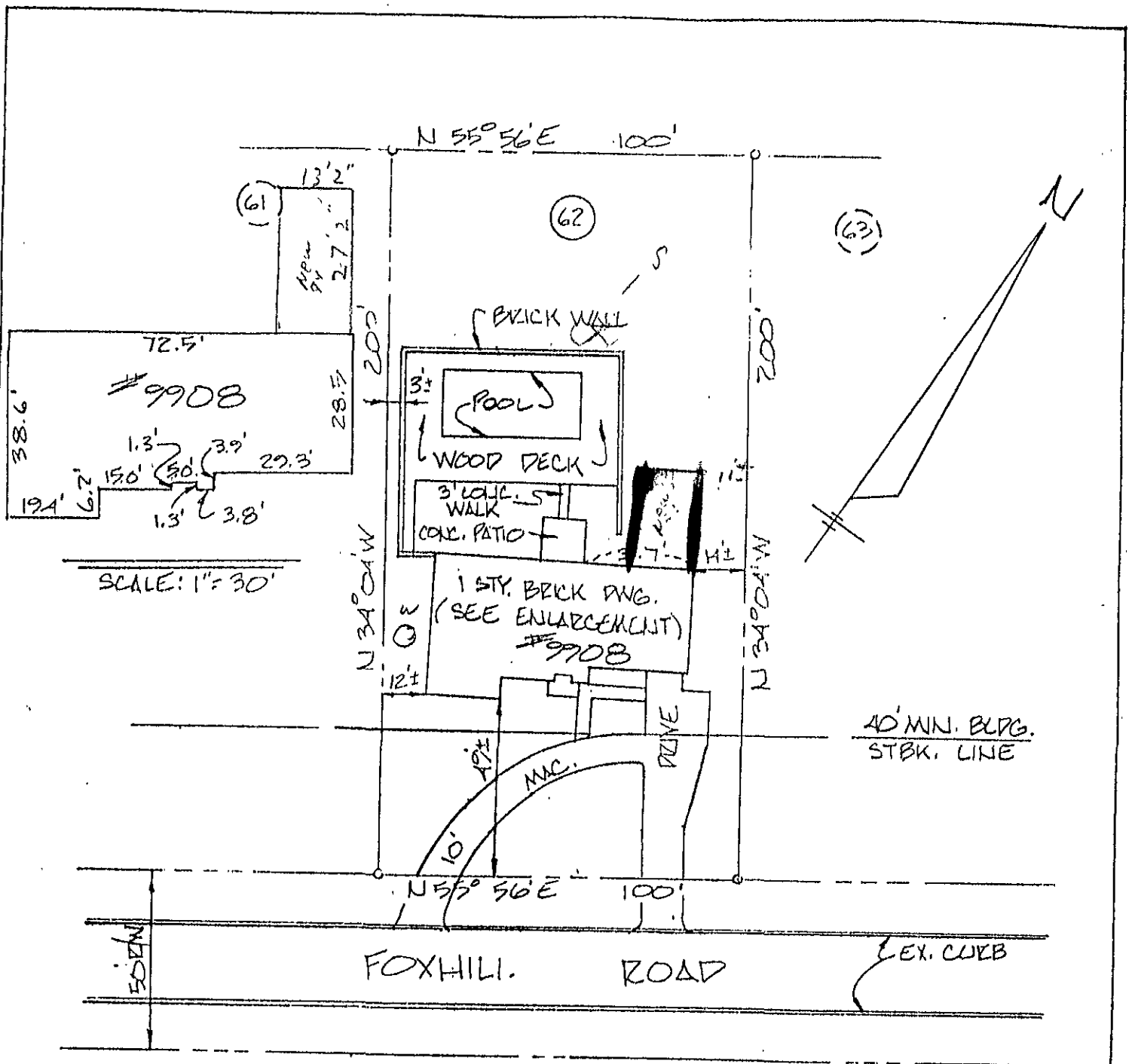
North  
date: 11/7/94  
prepared by:

ALL

Scale of Drawing:  $1'' = 80'$

~~7-4~~ ~~7-13~~

12-12-83



95-177-A

This is to certify that we have made a location survey of the improvements, and they are located on the lot as shown hereon.

*[Signature]*

Notes: This plat is not intended to be used to establish property corners.  
THIS LOT IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.

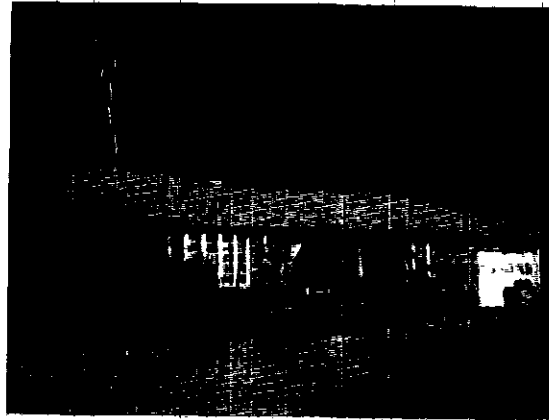
LOCATION SURVEY  
OF  
# 9908 FOXHILL ROAD  
LOT 62  
PERRY HALL MANOR  
DEED REF: PLAT 124/20  
ELECT. DIST. BALTIMORE COUNTY  
SCALE: 1"=40' MAY 26, 1983  
PJ: BB-68

WRS

WILLIAM R. SUDECK & ASSOCIATES, INC.  
Consulting Engineers & Land Surveyors

112 South Main Street • Bel Air, Maryland 21014

MICROFILMED

PETITIONER(S) EXHIBIT ( )

*Front View of House*

*close up of Front view*



*Garage door to be a window*

MICROFILMED

PETITIONER(S) EXHIBIT ( )

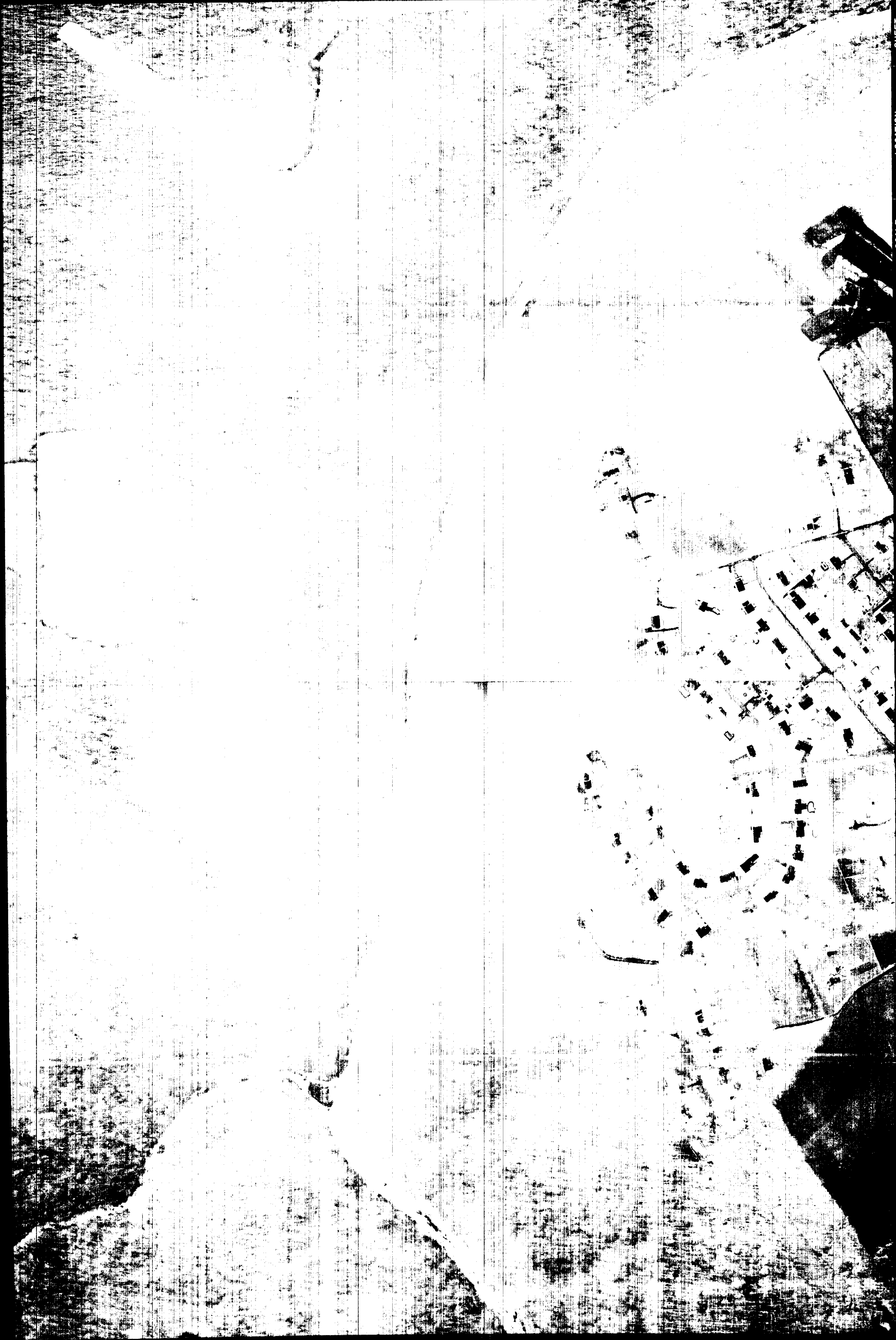


side view  
of Back yard  
proposed addition  
location



View from  
Back of  
proposed location





BALTIMORE COUNTY #172  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
NORTH OF  
PERRY HALL

SHEET  
NE.  
13-H

95-177-A